FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1257 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.Ashok Bhatia for the applicant.

Mr.U.V.Nikam APP for the State.

Coram : R.S.Mohite,J

Date : 12.4.2006.

PC

1. This is an application against an order passed by the Addl. Chief Metropolitan Magistrate, 5th Court, Dadar, directing an enquiry by RAK marg police station under Section 202 of Cr.P.C. It is pointed out that the Police Sub Inspector of RAK marg police station had earlier conducted an enquiry and issued a letter dated 18.5.2005 stating that they had already enquired into the matter and no such incident relating to molestation of female student had taken place. It is contended that 2nd enquiry would

not serve any purpose. Be that as it may, it is always open for the Magistrate to direct the investigation or conduct enquiry himself under Section 202 of Cr.P.C. In the present case it is directed that the enquiry should be conducted by any officer other than the Police Sub Inspector who had issued a letter dated 18.5.2005 and all the statements should be placed before the Court. Needless to say that it would be open for the Metropolitan Magistrate to dis-regard the finding of the investigation and hold inquiry himself if he feels so necessary before issuing order of process. If process is refused, it will be open for the applicant to approach the higher Courts. Application stands disposed of. Certified copy expedited.

(R.S.Mohite,J)